



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 22 Sims Avenue
Legal Description: Lot 36, Registered Plan 106706
File No.: D08-02-23/A-00093
Report Date: May 29, 2023
Hearing Date: June 7, 2023
Planner: Basma Alkhatib
Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood
Zoning: R4UB (Residential fourth density zone, subzone UB)

Committee of Adjustment
Received | Reçu le

2023-06-01

City of Ottawa | Ville d'Ottawa
Comité de dérogation

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the application.

DISCUSSION AND RATIONALE

Staff are satisfied that the requested minor variances meet the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

The subject site is within the Inner Urban Transect Policy Area on Schedule A and Evolving Neighbourhood designated on Schedule B2 in the Official Plan. Section 6.3.2 outlines that new development should respect the character of existing areas and development. The intended pattern of development in the Inner Urban Transect is urban including a minimum of two functional storeys, buildings attached or with minimal functional side yard setbacks and small areas of formal landscape. Policy 5.2.1 states that this development shall encourage moving towards an urban built form pattern, encouraging these areas to develop with a focus on multi-modal transportation methods, particularly walking and cycling. It also should include space for soft landscape, trees, and hard surfacing.

The minimum aggregated soft landscaping area in a front yard is 20 per cent as per Table 161 of the Zoning By-law in a lot having a front yard setback between 1.5 metres to three metres, where in the subject site the proposed softscaping in the front yard is 83 per cent of the total area of the front yard and 23 square metres aggregated softscape area. The proposed project aligns with the Zoning By-law and the Official Plan objectives in preventing vehicle parking in the front yard by covering it all with softscaping except for

the walkway leading to the entrance, which is 1.2 metres and cannot accommodate a car. Therefore, staff have no concern about the proposed reduction of the front yard setback because the proposed softscaping compensates for the reduction.

In R4UB zone, the By-law states the performance standards for Other Zoning Provision where any part of the rear yard is not occupied by accessory buildings and structures, permitted projections, bicycle parking and aisles, hardscaped paths of travel for waste and recycling management, pedestrian walkways, patios, and permitted driveways, parking aisles and parking spaces, must be softly landscaped.

The minimum area of soft landscaping per area must comprise at least one aggregated rectangular area of at least 25 square metres and whose longer dimension is not more than twice its shorter dimension, for the purposes of tree planting. Staff have no concern with the reduced rear yard area or setback because this project proposes an aggregated softscape rectangular area of 35.5 square metres and all the unoccupied areas in the rear yard are softscaped, which is aligned with the Official Plan and the Zoning By-law direction and does not have a significant impact on the surrounding context.

Also, staff have no concern with the reduced lot area of 260.5 square metres, whereas the By-law requires a minimum lot area of 300 square metres. As the proposal offers adequate waste storage and management, bicycle parking and sufficient soft landscaping.

The Department has **no concerns** with the applicant's request because the four minor variances have a minimal impact and staff have recognized the efforts of the applicant in satisfying the community comments by supplying more internal bicycle parking spaces. Forestry staff have confirmed that the proposed infill has no direct impact on the existing trees.

ADDITIONAL COMMENTS

Infrastructure Engineering

1. The Planning, Real Estate and Economic Development Department will do a **complete review of grading and servicing during the building permit process.**
2. At the time of **building permit application, a grading/servicing plan prepared** by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
3. Any **proposed works** to be located within the road allowance **requires prior written approval** from the Infrastructure Services Department.
4. All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.
5. The **surface storm water runoff including the roof water must be self-contained and directed to the City Right-of-Way**, not onto abutting private properties as approved by Planning, Real Estate and Economic Development Department.

6. A **private approach permit** is required for any access off of the City street.
7. Existing **grading and drainage** patterns must not be altered.
8. Existing services are to be blanked at the owner's expense.
9. Provide a minimum of 1.5 metres between the proposed driveway and the utility pole.
10. **Service lateral spacing shall** be as specified in City of Ottawa Standard S11.3.

Planning Forestry

A revised TIR has been provided May 30th, confirming 2 trees on adjacent properties which will be retained and protected throughout construction; the location of tree **protection fencing must be included prior to Building Permit application**. The requested minor variances appear to have no direct impacts on the existing trees. The TIR from 2021 recommended removal of several trees under 30cm, if these are jointly owned, **they will require the neighbour's permission** to remove. It is **recommended** to plant two new trees on the property following construction, to improve the streetscape and urban canopy cover.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application. However, the application has indicated that there will be no onsite parking as part of the redevelopment of the property. In light of this, the applicant shall be made aware that a private approach application is required **to close the existing private approach**.



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